

Claims / Section	35 U.S.C. Sec.	References / Notes
21-34, 36	§102(e) Anticipation	<ul style="list-style-type: none"> Mukerji, et al. (U.S. Patent No. 5,614,131) .
35, 37	§103(a) Obviousness	<ul style="list-style-type: none"> Mukerji, et al. (U.S. Patent No. 5,614,131).

Applicants have added claim 41 which includes an additional process step and claim 42 which indicates that the component is configured to be a surface-mount component. Applicants have also provided discussion for distinguishing the present invention from Mukerji.

35 U.S.C. §102(e), Claims 21-34 and 36 Anticipation by Mukerji

1. Mukerji does not teach or suggest the step of placing an optical device onto the uncured casting compound and then curing the casting compound, according to claim 21.

Claim 21 of the present invention requires, in the part of interest, the filling of the recess of the prepared base body with a transparent hardenable casting compound, then placing the optical device onto the as yet uncured casting compound, and then curing the casting compound.

The Examiner states, in the Office Action at the bottom of p. 3, that Mukerji teaches placing the optical device onto the as yet uncured casting compound at 3/45-56. Applicants respectfully disagree.

In the relevant sections of Mukerji cited by the Examiner, the cavity (recess) of the component 10 is filled with a transparent hardenable casting compound 60, 62 (Figure 3), but then it is cured (3/56 – 4/10) before any optical device is placed on it. In fact, Applicants can find no reference to an optical device at all in the section cited by the Examiner, and respectfully request that if the rejection is maintained, that the Examiner indicate which element of Mukerji is being equated to the present invention's

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optical device.

In Mukerji, the recess is partially covered by the carrier with the transmitter and receiver mounted on it. Note that the transmitter and receiver of Mukerji cannot be equated to the optical device of the present invention since the present invention's
5 optoelectronic component comprises both an optoelectronic transmitter/receiver and an optical device (thus distinguishing these two elements in the present invention).

2. *Mukerji does not teach or suggest the step of filling the recess of the prepared base body of the optoelectronic component with a transparent hardenable casting
10 compound according to claims 21 and 28, but rather teaches the filling of a casting form.*

The Examiner states, in the Office Action at the bottom of p. 3, that Mukerji teaches filling the recess of the prepared base body with a transparent hardenable casting compound at 3/10-35 and Fig. 3. Applicants respectfully disagree.

15 The Examiner appears to be equating Mukerji's base 10 and insert 14 with the present invention's base body as defined by independent claims 21 and 28. However, such a comparison is not proper in this case, since Mukerji's base 10 and insert 14, into which the cavity is made is not a part of the optoelectronic component (as is required by the present invention), but rather is a casting form that is part of a manufacturing tool
20 used to help produce the devices of Mukerji. The base 10 and insert 14 in Mukerji are separated away from the device in the steps between Figs. 4 and 5. According to Mukerji at 4/12-14, "Substrates 30 and 33 are pulled away from base 10 and insert 14 and thereafter release film 24 is pulled away from the substrates 30 and 33." Thus, the base 10 and 14 of Mukerji cannot be a part of the optoelectronic component, as
25 required by the present invention.

The present invention's independent claims 21 and 28 state that the recess is

prepared in the base body, which is a part of the optoelectronic component itself. Thus, Mukerji does not teach or suggest this step of the present invention.

For these reasons, Applicants assert that the claim language clearly distinguishes over the prior art, and respectfully request that the Examiner withdraw the
5 §102(e) rejection from the present application.

35 U.S.C. §103(a), Obviousness over Mukerji '131

3. *The device of the present invention is not obvious over Mukerji since Mukerji teaches away from the present invention by having a recess that is not a part of the optoelectronic component and using the mold recess to form a protrusion (not a recess)
10 on the optoelectronic component.*

Applicants rely on the above arguments in asserting the nonobviousness of claims 21 and 28 in the present invention, and thus the nonobviousness of respective claims 35 and 37.

Additionally, the use of Mukerji's cavity in the mold that is separated from the
15 optoelectronic component itself suggests that there is no cavity/recess formed in the optoelectronic component, and, contrary to the present invention, this step in Mukerji results in a protrusion (the opposite of a recess) that is formed, and into which the optoelectronic transmitter/receiver is embedded.

For these reasons, Applicants assert that the claim language clearly
20 distinguishes over the prior art, and respectfully request that the Examiner withdraw the §103(a) rejection from the present application.

Conclusion

Inasmuch as each of the rejections have been overcome by the amendments and arguments presented, and all of the Examiner's suggestions and requirements
25 have been satisfied, it is respectfully requested that the present application be

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reconsidered, the rejections be withdrawn and that this application be passed to issue.

Respectfully submitted,

Mark Bergner (Reg. No. 45,877)

Mark Bergner
SCHIFF HARDIN & WAITE
PATENT DEPARTMENT
6600 Sears Tower
Chicago, Illinois 60606-6473
(312) 258-5779
Attorney for Applicants
Customer Number 26574

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Mark Bergner
Mark Bergner Attorney for Applicants